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PART III—SECTION 3

Notifications relating to Minor Administrations

GOVERNMENT OF AJMER Medical & L.S.G. Department

NOTIFICATIONS

Ajmer, the 5th October 1955

No. 15/40/55-MedL.—Dr. (Miss) K. Mohile, M.B.B.S., has been appointed to officiate as Lady Civil Assistant Surgeon, Grade I in the Ajmer Civil Medical Service—Central Service Class II (Gazetted) on an initial pay of Rs. 260 per month in the scale of Rs. 260—15—440—20—500 in a purely temporary capacity with effect from the forenoon of the 7th September 1955.

By order

A. SEN
Secretary

Revenue Department

Ajmer, the 8th October 1955

No. 11/42/54-Rev.—In exercise of the powers conferred by Sub-section (1) of Section 35 of the Land Acquisition Act, 1894 (I of 1894) read with the Government of India late Home Department Notification No. F.126/37-Public dated the 1st April 1937, the Chief Commissioner, Ajmer hereby notifies that the land described below is needed for a public purpose namely for extension of Government Poultry Farm and directs the Collector as appointed under Section 3(c) of the said Act to procure the occupation and use of the said land for a period of three years from the date of such occupation:—

| District | Pargana | Muzai | Khasra No. | Khasra No. | Area and Boundary | Purpose |
|----------|---------|--------------------|------------|------------|---|---------------------------------------|
| Ajmer | Ajmer | Thok Talian Ajmer. | 395 | 2042 | N. Khasra Nos. 2045, 2047 of Government Nos. 2663 and poultry land of municipality. E. Khasra Nos. 2043, 2044 municipal land W. Khasra Nos. 2041 B.B.R. (2-0-8) | Extension of Government poultry farm. |

By order

P. N. SETH
Secretary

Public Works and Excise Department

Ajmer, the 8th October 1955

No. E(5)/17/54-PWE.—In exercise of the powers conferred by sub-section (1) of section 492 of the Code of Criminal Procedure 1898 (V of 1898), read with Government of India. Home Department Notification No. F.126/37-Public dated the 1st April 1937, as adopted from time to time the Chief Commissioner, Ajmer hereby appoints the Prosecuting Inspector of Excise Department, as Public Prosecutor for conducting the cases of the Excise Department State of Ajmer.

By order

A. R. SETHI
Secretary to Government of Ajmer

Ajmer, the 12th October 1955

No. D(1)/5/55-PWE.—In pursuance of clause (b) of sub-section (3) of Section 36A of the Indian Electricity Act, 1910 (IX of 1910) read with the Government of India late Home Department Notification No. F.126/37-Public dated the 1st April 1937 the Chief Commissioner, Ajmer hereby nominates Shri S. S. Kumar, Member, Utilisation, Central Water and Power Commission (Power Wing) to be a Member of the Central Electricity Board from the State of Ajmer.

By order

A. R. SETHI
Secretary

Home and Services Department

Ajmer, the 10th October 1955

No. GA(1)/1/55-H&S.—In exercise of the powers conferred on him by Section 12 of the Code of Criminal Procedure, 1898 (V of 1898) read with the Government of India, Late Home Department Notification No. F.126/37-Pub. dated the 1st April 1937, the Chief Commissioner, Ajmer is pleased to invest Shri C. L. Kanwaria, Stipendiary Magistrate, Ajmer with the ordinary powers of a Magistrate of the First Class to be exercised within the State of Ajmer.

By order of the Chief Commissioner

ASOKA SEN, I.A.S.
Chief Secretary

Ajmer, the 12th October 1955

No. S(1-c)/21/55-H&S.—Shri C. L. Kanwaria temporary Harijan Welfare Officer, Ajmer is appointed to officiate as stipendiary Magistrate, Ajmer with effect from the forenoon of 1st October 1955 until further orders.

By order of the Chief Commissioner

A. SEN, I.A.S.
Chief Secretary

Ajmer, the 13th October 1955

No. S(1-d)/24/55-H&S.—Shri P. H. Ramchandani, permanent Lecturer, Government College Ajmer is appointed to officiate as Deputy Secretary to Government, Ajmer with effect from the forenoon of the 12th August 1955 until further orders.

2. Shri P. H. Ramchandani will continue to hold the dual charge of the post of Lecturer, Government College, Ajmer also until the appointment of a substitute in his place.

3. This Government Notifications of even number dated the 13th August 1955 and 19th August 1955 are hereby cancelled.

By order of the Chief Commissioner

A. SEN, I.A.S.
Chief Secretary

Ajmer, the 14th October 1955

No. S(1-d)/104/55-H&S.—Shri D. D. Bhasin is appointed to officiate as Instructor in Government Accounts in the Civil Secretariat, Ajmer with effect from the forenoon of the 1st September 1955 until further orders.

By order of the Chief Commissioner

A. SEN, I.A.S.
Chief Secretary

Development Department*Ajmer, the 11th October 1955*

No. E(13)/60/54-DEV—Shri R. K. Nanawati, Superintendent Planning Section, Civil Secretariat, Ajmer is appointed to officiate as Harijan Welfare Officer, Ajmer in the pay scale of Rs. 250—15—400 with usual allowances with effect from the forenoon of the 1st October 1955, until further orders.

By order of the Chief Commissioner

A. SEN
Chief Secretary

Law and Judicial Department*Ajmer, the 12th October 1955*

No. 10/7/55-L&J—The leave of one month granted provisionally to Shri P. L. Agarwal, Sub Judge, First Class, Ajmer, with effect from the 5th September 1955 shall be treated as earned leave.

By order of the Chief Commissioner

PREM H. RAMCHANDANI
Deputy Secretary

Legislative Assembly Department*Ajmer, the 11th October 1955*

No. 1/6/55-L.A.—The following order by the Chief Commissioner, Ajmer, dated the 11th October 1955, is published for general information:—

"In pursuance of clause (a) of sub-section (2) of section 9 of the Government of Part C States Act, 1951 (XLIX of 1951), I, M. K. Kriplani, Chief Commissioner, Ajmer, hereby prorogue the Legislative Assembly of the State of Ajmer with effect from the close of its meeting on the 11th October 1955."

M. K. KRIPLANI
Chief Commissioner

Ajmer, the 10th October 1955

No. 3/22/55-LA—The following Bill is published under rule 123 of the Ajmer State Legislative Assembly Rules for general information:—

Bill No. 7 of 1955**A BILL**

to amend the Ajmer Armed Constabulary Act, 1955 (Act V of 1955).

BE it enacted by the Legislative Assembly of the State of Ajmer in the sixth year of the Republic of India as follows:—

1. *Short title and commencement*—(1) This Act may be called the Ajmer Armed Constabulary (Amendment) Act, 1955.

(2) It shall come into force at once.

2. *Interpretation*—(1) In this Act "Principal Act" means the Ajmer Armed Constabulary Act, 1955 (V of 1955).

(2) The General Clauses Act, 1897 (X of 1897), shall apply for the interpretation of this Act as it applies for the interpretation of a Central Act.

3. *Amendment of section 2, Act V of 1955*—Clause (i) of sub-section (1) of section 2 of the Principal Act shall be substituted by the following, namely:—

"(i) "superior officer" means in relation to a member of the Constabulary any officer of a rank which is higher than that of such member in accordance with the rules made under section 17";

STATEMENT OF OBJECTS AND REASONS

The definition of the term "superior officer" in the Ajmer Armed Constabulary Act, 1955 was somewhat defective. In the proposed Bill this term is being defined more clearly.

BALKRISHNA KAUL
Minister-in-charge

P. N. SETH
Secretary to the Govt. of Ajmer, Law and Judicial Deptt.

Ajmer, the 11th October 1955

No. 3/23/55-LA—The following Bill is published under rule 123 of the Ajmer State Legislative Assembly Rules for general information:—

THE AJMER SHOPS AND COMMERCIAL ESTABLISHMENT BILL, 1955 HAS RECEIVED THE RECOMMENDATIONS OF THE CHIEF COMMISSIONER,

AJMER. UNDER SUB-SECTIONS (1) AND (3) OF SECTION 24 OF THE GOVERNMENT OF PART C STATES ACT, 1951.

Bill No. 8 of 1955**A BILL**

to consolidate and amend the law relating to the conditions of work and employment in shops and commercial establishments.

Be it enacted by the Legislative Assembly of the State of Ajmer in the sixth year of the Republic of India as follows:—

1. *Short title, extent and commencement*—This Act may be called the Ajmer Shops and Commercial Establishments Act, 1955.

(2) It extends to the whole of the State of Ajmer.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint in this behalf.

(4) It shall apply, in the first instance, in the Municipal areas of Ajmer, (including Paltan Bazar), Beawar, Bijainagar and Kekri and Cantonment area of Nasirabad and the State Government may, by notification in the Official Gazette, direct that all or any other provisions of this Act shall apply to such other areas as may by notification in the Official Gazette, be specified.

CHAPTER I**PRELIMINARY**

2. *Interpretation*—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) "adult consumption unit" means the consumption unit of a male above the age of fourteen years; and the consumption unit of a female above the age of fourteen years and that of a child below the age of fourteen years shall be calculated at the rates of 8 and 6 respectively of one adult consumption unit;

(b) "apprentice" means a person aged not less than twelve years, who is employed, whether on payment of wages or not for the purpose of being trained in any trade, craft or employment in any establishment;

(c) "closed" means not open for the service of any customer or for any business connected with the establishment;

(d) "commercial establishment" means a commercial or trading or banking or insurance establishment, an establishment or administrative service in which the persons employed are mainly engaged in office work, hotel, restaurant, boarding or eating house, cafe or any other refreshment house, a theatre or any other place of public amusement or entertainment and includes such establishments as the State Government may, by notification in the Official Gazette declare to be a commercial establishment for the purposes of this Act;

(e) "day" means the period of twenty-four hours beginning at mid-night;

Provided that in the case of an employee whose hours of work extend beyond mid-night, day means the period of twenty-four hours beginning from the time when such employment commences irrespective of mid-night;

(f) "employee" means a person wholly or principally employed in, and in connection with, any establishment and includes an apprentice but does not include a member of the employer's family. It also includes any clerical or other staff of a factory or industrial establishment who falls outside the coverage of the Factories Act.

(g) "employer" means a person having charge of or owing or having ultimate control over the affairs of an establishment and includes the manager, agent or other person acting in the general management or control of an establishment;

(h) "establishment" means a shop or commercial establishment;

(i) "family" in relation to an employer means the husband or wife, son, daughter, father, mother, brother or sister of such employer who lives with and is dependent on him;

(j) "inspector" means an Inspector, appointed under the Act;

(k) "leave" means leave provided for in Chapter IV of this Act;

- (l) "night" means a period of at least twelve consecutive hours which shall include the interval between 10 P.M. and 6 A.M;
- (m) "opened" means opened for the service of any customer or for any business connected with the establishment;
- (n) "prescribed" means prescribed by rules made under this Act;
- (o) "period of work" means the time during which an employee is at the disposal of the employer;
- (p) "prescribed authority" means the authority prescribed under the rules made under this Act;
- (q) "quarter" means the period of three months ending on the last day of March, June, September, or December;
- (r) "register of establishment" means a register maintained for the registration of establishment under this Act;
- (s) "registration certificate" means a certificate showing the registration of an establishment;
- (t) "restaurant" means any premises in which is carried on principally or wholly the business of supplying meals or refreshment to the public or class of the public for consumption on the premises but does not include the restaurant attached to a theatre;
- (u) "shop" means any premises where any trade or business is carried on or where services are rendered to customers, and includes offices, store rooms, godowns or warehouses, whether in the same premises or otherwise, used in connection with such trade or business but does not include a commercial establishment or a shop attached to a factory where the persons employed in the shop are allowed the benefits provided for workers under the Factories Act, 1948;
- (v) "spread over" means the period between the commencement and the termination of the work of an employee on any day;
- (w) "State Government" means the Chief Commissioner, Ajmer;
- (x) "standard family" means a family consisting of the employee, his or her spouse and two children below the age of fourteen years requiring in all three adult consumption unit;
- (y) "theatre" includes any premises intended principally or wholly for the presentation of moving pictures, dramatic performances, or such other entertainments;
- (z) "week" means the period of seven days beginning at mid-night of Saturday or such other night as may be approved in writing for a particular area by the prescribed authority;
- (za) "year" means a year commencing on the first day of January.
- (2) The General Clauses Act, 1897 (X of 1897) applies for the interpretation of this Act as it applies for the interpretation of Central Act.
3. *Exemptions*—(1) Nothing in this Act shall apply to:—
- offices of or under the Central or State Governments or Local authorities;
 - offices of lawyers;
 - establishments for the treatment or the care of the infirm or the mentally unfit;
 - persons occupying positions of management or employed in a confidential capacity;
 - persons whose work is inherently intermittent such as travellers or caretakers;
 - persons directly engaged in preparatory or complementary work such as clearing or forwarding clerks responsible for the despatch of goods;
 - fairs or bazars for sale of work for charitable or other purposes for which no private profit is deprived; and
 - libraries at which the business of lending books or periodicals is not carried on for purposes of gain other than that of making profits for charitable, philanthropic, religious or educational objects.

(2) The State Government may, by notification in the Official Gazette, exempt either permanently or for any

specified period, any establishment or class of establishments or persons or class of persons, to which or to whom this Act applies, from all or any of its provisions, subject to such conditions as the State Government deem fit.

CHAPTER II

REGISTRATION OF ESTABLISHMENT

4 *Registration of Establishments*—(i) Within the period specified in sub-section (3), the employer of every establishment shall send to the Inspector of the area concerned, a statement, in the prescribed form together with such fees as may be prescribed, containing—

- the name of the employer and the manager, if any;
- the postal address of the establishment;
- the name, if any, of the establishments, and
- such other particulars as may be prescribed.

(2) On receipt of the statement and the fees, the Inspector shall, on being satisfied about the correctness of the statement, register the establishment in such manner as may be prescribed and shall issue, in a prescribed form a registration certificate to the employer. The registration certificate shall be prominently displayed at the Establishment.

(3) Within thirty days from the date mentioned in column 2 below in respect of an establishment mentioned in column 1, the statement together with fees shall be sent to the Inspector under sub-section (1):—

| Establishments | Date from which the period of 30 days to commence |
|--|---|
| (1) | (2) |
| (i) Establishment existing on the date on which this Act comes into force. | The date on which this Act comes into force. |
| (ii) New Establishments | The date on which the Establishment commences its work. |

5. *Change to be communicated to Inspector*—It shall be the duty of an employer to notify to the Inspector, in the prescribed form any change in respect of any information contained in his statement under section 4 within 7 days after the change has taken place. The Inspector shall on receiving such notice and on being satisfied about its correctness, make the change in the register of establishments in accordance with such notices and shall amend the registration certificate or issue a fresh registration certificate, if necessary.

6. *Closing of establishment to be communicated to inspector*—The employer shall, within ten days of his closing the establishment, notify to the Inspector in writing accordingly. The Inspector shall, on receiving the information and being satisfied about its correctness, remove such establishment from the register of establishments and cancel the registration certificate.

CHAPTER III

HOURS OF WORK

7. *Daily and Weekly hours*—(1) No employee in any establishment shall be required or allowed to work for more than nine hours in any day and forty eight hours in any week;

Provided that the total number of hours of work including overtime shall not exceed ten hours in any day except on days of stocktaking and preparation of accounts;

Provided further that the total number of overtime hours worked by an employee does not exceed fifty in a quarter.

(2) No child between the ages of twelve and fifteen shall be allowed to work in any employment more than 5 hours in a day.

8. *Extra wages for overtime work*—(1) Where an employee works in any establishment for more than nine hours in any day or for more than forty eight hours in any week he shall in respect of such overtime work be entitled to wages at the rate of one and a half time the ordinary rate of wages.

(2) For the purpose of this section "ordinary rate of wages" means the basic wages plus such allowances, including the cash equivalent of the advantage accruing through the concessional sale to workers of foodgrains

and other articles as the worker is for the time being entitled to, but does not include a bonus.

(3) The cash equivalent of the advantage accruing through the concessional sale to a worker of foodgrains and other articles shall be computed as often as may be prescribed on the basis of maximum quantity of foodgrains and other articles admissible to a standard family.

9. *Interval for rest*—The period of work of an employee in an establishment each day shall be so fixed that no period shall exceed five hours and that no such person shall work for more than five hours before he has had an interval for rest of at least half an hour.

10. *Spread over*—The period of work of an employee in an establishment shall be so fixed that, inclusive of his interval for rest, they shall not spread over more than twelve hours in any day.

11. *Opening and closing hours*—(1) No establishment shall, on any day, be opened earlier than and closed later than such hour as may be fixed by a general or special order of the State Government made under sub-section (2).

(2) The State Government may, after making an enquiry in the prescribed manner, by general or special order fix the time at which any establishment or class of such establishment shall be opened or closed in any local area.

12. *Weekly holidays*—(1) Every establishment shall remain closed for one day of the week. The employer shall fix such day at the beginning of the year, notify it to the Inspector and specify it in a notice prominently displayed in a conspicuous place in the shop or commercial establishment. The employer shall not alter such day more often than once in three months, shall notify the alteration to the Inspector and make the necessary change in the notice in the shop or commercial establishment.

(2) Notwithstanding anything contained in sub-clause (1), the State Government may allow an establishment to remain open throughout the week if they are satisfied that the establishment employs additional staff for meeting the requirements of sub-clause (3) below.

(3) Without prejudice to the existing practice in establishments allowing one and half days rest in a week every employee in an establishment shall be given at least one whole day in a week as holiday for rest.

(4) It shall not be lawful for an employer to call an employee at, or for an employee to go to, his establishment or any other place for any work in connection with the business of his establishment on a weekly holiday or on a day on which such establishment remains closed.

(5) No deductions shall be made from the wages of any employee in any establishment on account of the holiday given to him under sub-section (1). If any employee is employed on daily wages, he shall none the less be paid him wages for the weekly holidays.

CHAPTER IV

ANNUAL LEAVE WITH WAGES

13. *Application of Chapter*—(1) The provisions of this Chapter shall not operate to the prejudice of any rights to which an employee may be entitled under any other law or under the terms of any award, agreement or contract of services:

Provided that where such award, agreement or contract of service provides for a longer leave with wages or weekly holidays than provided in this Chapter the employee shall be entitled to only such longer leave or weekly holidays as the case may be.

14. *Annual leave with wages*—(1) Every employee who has worked for a period of 240 days or more in an establishment, during a calendar year shall be allowed during the subsequent calendar year, leave with wages for number of days calculated at the rate of:—

(i) If an adult, one day for every twenty days of work performed by him during the previous calendar year;

(ii) If a child, one day for every fifteen days of work performed by him during the previous calendar year.

Explanation 1—For the purpose of this sub-section.

(a) any days of lay off, by agreement or contract as permissible under the standing orders;

(b) in the case of a female employee, maternity leave for any number of days not exceeding twelve weeks; and

(c) the leave earned in the year prior to that in which the leave is enjoyed;

shall be deemed to be days on which the employee has worked in an establishment for the purpose of computation of the period of 240 days or more, but he shall not earn leave for these days.

Explanation 2—The leave admissible under this sub-section shall be exclusive of all holidays whether occurring during or either at end of the period of leave.

(2) An employee whose service commences otherwise than on the first day of January shall be entitled to leave with wages at the rate laid down in clause (1) or, as the case may be, clause (ii) of sub-section (1) if he has worked for two-thirds of the total number of days in the remainder of the calendar year.

(3) If an employee is discharged or dismissed from service during the course of the year he shall be entitled to leave with wages at the rates laid down in sub-section (1) or sub-section (2) entitling him to earn leave.

(4) In calculating leave under this section, fraction of leave of half a day or more shall be treated as one full day's leave, and fraction of less than half a day shall be omitted.

(5) If an employee does not in any one calendar year take the whole of the leave allowed to him under sub-section (1) or sub-section (2) as the case may be, any leave not taken by him shall be added to the leave to be allowed to him in the succeeding calendar year:

Provided that the total number of days of leave that may be carried forward to a succeeding year shall not exceed thirty in the case of an adult or forty in the case of a child:

Provided further that an employee who has applied for leave with wages but has not been given such leave in accordance with any scheme laid down in sub-section (8) and (9) shall be entitled to carry forward the unavailed leave without any limit.

(6) An employee may at any time apply in writing to the employer or to the manager of the establishment not less than fifteen days before the date on which he wishes his leave to begin to take all the leave or any portion thereof allowable to him during the calendar year:

Provided that the number of times in which leave may be taken during any year shall not exceed three.

(7) If an employee wants to avail himself of the leave with wages due to him to cover a period of illness, he shall be granted such leave even if the application for leave is not made within the time specified in sub-section (6) and in such a case wages as admissible under section 16 shall be paid not later than fifteen days.

(8) For the purpose of ensuring continuity in work in an establishment, the employer in agreement with the representatives of the employees therein chosen in the prescribed manner, may formulate a scheme in writing whereby the leave allowable under this section may be regulated.

(9) A scheme formulated under sub-section (8) shall be posted in convenient places in the premises of the establishment and shall be in force for a period of twelve months and may thereafter be renewed, with or without modification, for a further period of 12 months at a time by the employer in agreement with the representative of the employees as specified in sub-section (8).

(10) An application for leave which does not contravene the provisions of sub-section (6) shall not be refused, unless refusal is in accordance with the scheme for the time being in operations under sub-section (8) and (9).

(11) If the employment of an employee who is entitled to leave under sub-section (1) or sub-section (2) as the case may be, is terminated by the employer before he has taken the entire leave to which he is entitled or if having applied for and having not been granted such leave, the employee quits his employment before he has taken the leave, the employer shall pay him the amount payable under section 1 in respect of the leave not taken, and such payment shall be made, where the employment of the employee is terminated by the employer before the expiry of the second working day after such termination, and where any employee quits his employment, on or before the next pay day.

(12) The unavailed leave of an employee shall not be taken into consideration in computing the period of any notice required to be given before discharge or dismissal.

15. *Wage during leave period*—(1) For the leave allowed to him under section 14, an employee shall be paid at a rate equal to the daily average of his total full time earnings for the days on which he worked during the month immediately preceding his leave, exclusive of any overtime and bonus but inclusive of dearness allowance and the cash equivalent of the advantage accruing through the concessional sale to the employee of foodgrains and other articles.

(2) The cash equivalent of the advantage accruing through the concessional sale to the employee of foodgrains and other articles shall be computed as often as may be prescribed on the basis of the maximum quantity of foodgrains and other articles admissible to a standard family.

(3) The State Government may make rules prescribing—

(a) The manner in which the cash equivalent of the advantage accruing through the concessional sale to an employee of foodgrains and other articles shall be computed; and

(b) The registers that shall be maintained in an establishment for the purpose of securing compliance with the provisions of this section, and section 8.

* 16. *Payment of advance in certain cases*—An employee who has been allowed leave for not less than four days, in the case of an adult, and five days in the case of a child, shall before his leave begins, be paid the wages due for the period of leave allowed.

17. *Mode of recovery of un-paid wages*—Any sum required to be paid by an employer under this Chapter but not paid by him shall be recoverable as delayed wages under the provisions of the payment of Wages Act, 1936 (IV of 1936).

18. *Power to make rules*—The State Government may make rules directing employers to keep registers containing such particulars as may be prescribed and requiring the registers to be made available for examination by Inspectors.

19. *Power to exempt establishment*—Where the State Government is satisfied that the leave rules applicable to employees in an establishment provide benefits which in its opinion are not less favourable than those for which this Chapter makes provision, it may by written order exempt the establishment from all or any of the provisions of this Chapter, subject to such conditions as may be specified in the order.

CHAPTER V WAGES

20. *Application and Amendment of the Payment of Wages Act*—(1) Notwithstanding anything contained in the payment of Wages Act, 1936 (IV of 1936) herein referred to as "the said Act" the State Government may, by notification in the official Gazette direct that subject to the provisions of sub-section (2), the said Act or any of the provisions thereof shall apply to all or any class of employees in establishments to which this Act applies.

(2) On the application of the provisions of the said Act to any establishment under sub-section (1) the Inspector appointed under this Act shall be deemed to be the Inspector for the purposes of the enforcement of the provision of the said Act within the local limits of his jurisdiction.

CHAPTER VI EMPLOYMENT OF CHILDREN AND WOMEN

21. *Prohibition of employment of children*—No child who has not completed the age of twelve be required or allowed to work in any establishment.

22. *Employment of women Prohibition of employment during night*—No woman or a child between the age of 12 and 15 shall be required or allowed to work whether as an employee or otherwise in any establishment during night.

23. *Prohibition of employment during certain periods*—No owner or manager of an establishment knowingly employ a woman, and no woman shall engage in employment in any establishment during the six weeks following the day on which she has delivered of a child.

24. *Right of absence in pregnancy*—(1) If any woman employed in an establishment who is pregnant gives notice either orally or in writing in the prescribed form to the employer that she expects to be delivered of a child within six weeks from the date of such notice, the employer shall permit her, if she so desires, to absent herself from work upto the day of her delivery.

Provided that the employer may on undertaking to defray the cost of such examination require the woman to be examined by a qualified medical practitioner or midwife and if the woman refuses to submit to such examination or is certified on such examination as not pregnant or not likely to be delivered of a child within six weeks he may refuse such permission.

(2) The examination referred to in the proviso to sub-section (1) shall if the woman so desires be carried out by a woman.

25. *Maternity leave*—The absence of a woman during the period she is entitled to maternity benefit under this Act, or, due to illness medically certified to arise out of pregnancy of confinement shall be treated as a authorised absence on leave.

26. *Maternity benefit*—(1) Every woman employed in an establishment who has been continuously employed in that establishment or in establishments belonging to the owner of that establishment for a period of not less than six months preceding the date of her delivery shall, be entitled to receive and the employer shall be liable to make to her, a payment of a maternity benefit which shall be prescribed by the State Government for every day during the six weeks immediately preceding and including the day of her delivery and for each day of the six weeks following her delivery:

Provided that no such payment shall be made for any day on which she attends work and receives payment therefore during the six weeks preceding her delivery. (2) The manner in which the maternity benefit shall be payable, may be prescribed by the State Government.

27. *Intervals for nursing the child*—Any women employed in an establishment who is delivered of a child shall, while she is nursing her child be allowed half an hour twice a day during her working hours for this purpose in addition to regular intervals for rest.

28. *Prohibition of dismissal during or on account of absence from work owing to confinement*—(1) When a woman absents herself from work under Section 25 it shall be unlawful for the employer to dismiss her during or on account of such absence or to give notice of dismissal on such a day that the notice will expire during such absence.

(2) The dismissal of a woman at any time within six months before she is delivered of a child, if the woman but for such dismissal, would have been entitled to maternity benefit under this Act, shall not have the effect of depriving her of that maternity benefit if the Inspector is satisfied that her dismissal was without sufficient cause.

29. *Notices of discharge*—(1) No employee shall, without sufficient cause be discharged from service unless and until one month's previous notice or one month's pay in lieu thereof has been given to him.

(2) In any case instituted for a contravention of the provisions of the last preceding sub-section, if a Magistrate is satisfied an employee has been dismissed without reasonable cause, the Magistrate may for reasons to be recorded in writing, award compensation to the employee to the extent of his two months' pay.

(3) The amount payable as compensation under this Section shall be in addition to any fine payable under Section 34.

(4) No person who has been awarded compensation under this Section shall be at liberty to bring civil suit in respect of the same claim.

CHAPTER VII

ENFORCEMENT AND INSPECTION

30. *Enforcement appointment of Inspectors*—(1) The State Government may by Notification, appoint such persons or such class of persons as it thinks fit to be Inspectors for the purposes of this Act within such local limits as it may assign to them respectively.

(2) The State Government may hand over the administration of Act, and with it the power to appoint Inspectors, to local authorities generally or to any particular local authority.

31. *Power of Inspector*—Subject to any rules made by the State Government in this behalf, an Inspector may, within the local limits for which he is appointed:—

(a) enter, at all reasonable times and with such assistants, if any, being persons in the service of the Government or of any local authority as he thinks fit, any place which is or which he has reasons to believe is an establishment;

(b) make such examination of the premises and of any prescribed registers, records and notices and take on the spot or otherwise evidence of any persons as he may deem necessary for carrying out the purposes of this Act and may take copies of such records;

(c) exercise such other powers as may be necessary for carrying out the purposes of this Act:

Provided that no one shall be required under this section to answer any question or given any evidence tending to criminate himself.

32. *Inspector to be a Public Servant*—Every Inspector appointed under section 30 shall be deemed to be a Public Servant within the meaning of section 21 of the Indian Penal Code.

33. *Employer to produce registers, records etc. for inspection*—Every employer shall on demand produce for inspection of an Inspector all registers, records and notices required to be kept under and for the purposes of this Act.

CHAPTER VIII

OFFENCES PENALTIES AND PROCEDURE

34. *Penalties*—(1) Whoever contravenes any of the provisions of sections 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 23, 24, 25, 26, 28 and 29 shall on conviction be punishable with fine, which for a first offence may extend to Rs. 250 (Two hundred and fifty) and for a second or any subsequent offence, may extend to five hundred rupees.

(2) Whoever contravenes any of the provisions of sections 8, 16, 21, 22, 27, 33, 37 shall on conviction be punishable with fine which may extend to fifty rupees.

35. *Procedure*—(1) No prosecution under this Act or the rules or orders made thereunder shall be instituted except by an Inspector appointed under section 30 or except with the previous sanction of the State Government or the local authority as the case may be.

(2) No court inferior to that of a Magistrate of a Second Class shall try any offence punishable under this Act or any rules or orders made thereunder.

36. *Limitations of prosecutions*—No court shall take cognisance of any offence under this Act or any rule of order made thereunder, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

CHAPTER IX

MISCELLANEOUS

37. *Maintenance of registers and records and display of notices*—Subject to the general or special orders of the State Government an employer shall maintain such registers and records and display on the premises of his establishment such notices as may be prescribed. All such registers and records shall be kept on the premises of the establishment to which they relate.

General Notice under Section 6 of the Evacuee Interest (Separation) Act, 1951

WHEREAS information has been laid before me that the properties described in the Schedule hereto annexed are composite properties.

AND WHEREAS the evacuee interest in the said properties is to be separated from other interests;

I, NOW HEREBY, call upon all persons having an interest in the said properties to submit their claims in the prescribed form to me within sixty days from the date of this notice. In case no such claim will be filed the whole property shall vest in the Custodian free from all encumbrances and liabilities.

GIVEN under my hand and the seal of my office this 10th day of October 1955.

C. JACOB
Competent Officer, Ajmer

38. *Saving of certain rights and privileges*—Nothing in this Act shall effect any rights or privileges which an employee in any establishment is entitled to on the date this Act comes into force under any other law contract custom or usage applicable to such establishment or any award settlement or agreement binding on the employer and the employee in such establishment if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

39. *Application of the Workmen's Compensation Act, 1923*—The provisions of the Workmen's Compensation Act 1923 (VIII of 1923) and the rules thereunder shall, *mutatis mutandis* apply to every employee of a shop or commercial establishment.

40. *Immunity*—No suit, prosecution or other legal proceedings shall lie against any Inspector for any thing which is in good faith done or intended to be done under this Act.

41. *Power to make rules*—(1) The State Government may, by notification in the official Gazette, make rules for the purposes of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, rules made under sub-section (1) may provide in respect of the health safety and welfare of employees.

(3) In making rules under this Section the State Government may provide that a contravention of the rules shall be punishable with fine which may extend to fifty rupees.

(4) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

42. *Repeal and Savings*—(1) On and from the date of commencement of this Act the Weekly Holidays Act, 1942 (XVIII of 1942) shall stand repealed:

Provided that such repeal shall not affect the previous operation of that corresponding law, and subject thereto, anything done or any action taken in the exercise of any power conferred by or under the corresponding law shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing was done or action was taken.

(2) All appointments made before such commencement under and for the purposes of any such law or enactment shall except as otherwise directed under this Act, be deemed to have been made under and for the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The question of having a legislation to regulate the working condition of workers employed in shops and commercial establishments has been engaging in attention of the Government for some time. The proposed Bill has been accordingly prepared. The Bill also enjoins the employers of the business establishment to maintain detailed service and leave records of their workers.

| Serial No. | District where the property is situated | Town or village | Municipal No. or Khata No. | Name of Evacuee | Persons having claim as defined in Section 2(b) | Nature of Claim |
|------------|---|-----------------|---|------------------------------|---|-----------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1 | Ajmer | Khanpura | House No. 19 | Sah Baj Khan s/o Chand Khan. | 1. Ibrahim Khan s/o Karim Khan of Village Khanpura. | Co-sharer. |
| 2 | .. | Untra | Khata No. 48/1 Nos. 293, 2381, 2380 & 2376. | Sikendar s/o Rahim | 1. Ghasi s/o Abdulla, Musalman of village Untra. 2. Mat. Basiran o/o Ghasi s/o Abdulla, Musalman of Village Untra. | Co-Sharers |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|------------------------------------|-------|-------------------------|---|--|--|------------|
| 3 | Ajmer | Rajoshi | .. Khata No. 333 Khasra Nos. 448 and 453. | Umrao Khan s/o Akbar Khan. | 1. Abdul Rehman Khan .. 2. Abdul Karim Khan ss/o Zamsher Khan. 3. Haider Khan s/o Bhurey Khan. 4. Lukhji s/o Kalloy Khan. 5. Abdul Rehman alias Chotta and 6. Mehboob sons of Akbar Khan, Musalman of Rajoshi. | Co-sharers |
| 4 | .. | Untra | .. Khata No. 206, Khasra Nos. 1819, 1997, 2104, 1825, 1826 & 2044. | Sikendar s/o Noora | 1. Adber s/o Noora .. 2. Allah Bux s/o Naba 3. Moti 4. Bodu } sons of 5. Bholu } Bell. 6. Sikendar } 7. Ibrahim and 8. Niyamat sons of Nathu, minors under the guardianship of Mst. Pusi w/o Nathu, Musalmans Deswali of Village Untra. | .. |
| 5 | .. | Gagwana | .. Khata No. 40 .. | 1. Baddu s/o Deena 2. Faqeer Mohammed, 3. Syed ss/o Nola. 4. Hasti s/o Sardara. | 1. Zafar } sons of Azima 2. Nasiba } of Village 3. Jamal } Gagwana. 4. Adal } sons of Hasan 5. Wazir } Khan of Vil- 6. Sikendar } lage Gagwana. 7. Allahnoor } 8. Shabinoor } | .. |
| 6 | .. | Untra | .. Khata No. 167, Khasra Nos. 1027, 1029, 1031 and 1202. | Sikendar s/o Suktan | 1. Ghasi Khan s/o Aladeen Khan. 2. Mst. Bashiran d/o Allanoor Khan c/o Ghasi Khan s/o Aladeen Khan, Musalmans of Village Untra. | .. |
| 7 | .. | Untra | .. Khata No. 316/1, Khasra No. 1704. | 1. Hasti .. 2. Masti ss/o Noora | 1. Allah Bux s/o Nabba 2. Abder s/o Noora, Musalmans of Untra. | .. |
| 8 | .. | Rajoshi | .. Khata No. 334, Khasra Nos. 445, 447 and 452. | Umrao s/o Akbar Khan | 1. Shri Mahboob and .. 2. Abdul Rahim sons of Akbar, 3. Abdul Karim Khan. 4. Abdul Rehman Khan sons of Junsher Khan, Musalmans of Rajoshi | .. |
| 9 | .. | Untra | .. 2 Houses .. 1 Bara. | 1. Mangu .. 2. Lal Mohammed. 3. Bashir ss/o Rahim Khan. | 1. Sikendar Khan s/o Rahim Khan, Deswali Musalman of Village Untra. | Co-sharers |
| 10 | .. | Barapathar (Nasirabad). | Khata No. 114, Khasra Nos. 311, 312, 314, 316, 317, 297, 313 and 315. | Abdul Razzak s/o Bafati Lohar. | 1. Shri Rahim Illahi son of Bafati, Lohar of Nasirabad. | .. |
| 11 | .. | Untra | .. Pucca House .. | Mangla s/o Bhura | 1. Shri Gafoor Khan s/o Bhura Musalman of Village Untra. | .. |
| 12 | .. | Untra | .. One Bara .. | Do. | Do. | .. |
| 13 | .. | Untra | .. One Nohra .. | Mangla s/o Bhura | 1. Gafoor Khan s/o Bhurey Khan. 2. Sikendar Khan s/o Nabba Khan. 3. Moti Khan s/o Fakira. 4. Sultan son of Ghasi, Musalmans Deswali of Village Untra. | .. |
| <i>Misc. Application 14 of 55.</i> | | | | | | |
| 14 | Ajmer | Ganeshpura (Beawar). | Khata No. 37 Khasra Nos. 14, 15 and 20. | Mst. Chhoti w/o Gainda Teli | 1. Shrimati Lakshmi Devi w/o Shri Gulab Rai Sharma, Diggi Mohalla, Beawar. | Mortgage. |

